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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
POKRZYWA, JOSEPH R

ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/032,680

Applicant(s)

SIMPSON ET AL.

Examiner

Joseph R. Pokrzywa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-21 and 26-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-21 and 26-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 4/27/06, and has been entered and made of record. Currently, **claims 13-21 and 26-31** are pending.

Response to Arguments

2. Applicant's arguments filed 4/27/06 have been fully considered but they are not persuasive.

3. In response to applicant's arguments regarding the rejection of claim 13, which was cited in the Office action dated 2/8/06, under 35 U.S.C. 102(e) as being anticipated by Yoshino *et al.* (U.S. Patent Application Number 2001/0042117), whereby applicant argues on pages 7 and 8 that Yoshino fails to teach of transmitting a program of instructions to the client, with the program enabling the client to initiate the printing of a document by a printer, detect if the printer encounters an alert condition while printing a document, and if an alert condition is detected, display a selectable object for initiating a performance by the client of a specified function. In paragraphs 0012, Yoshino states that "it is preferable to provide the transmission form on the browser, for example, by the technique of CGI (common gateway interface)." Further, as read in paragraph 0058, Yoshino states that "The support center includes a server SV that provides users with the support information written in the Web pages and the predetermined transmission form for the Email support, and a computer PCs that actually carries out the Email support.....the support information 110 and the transmission form 120 are stored in the form of Web programs

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using CGI (common gateway interface).” The examiner notes that a CGI is well known in the art as being a program. Further, in the Yoshino reference, the CGI is stored in the server, and is then utilized by clients, as noted above. Continuing, in paragraph 0032, Yoshino states that “The technique of the present invention may also be attained by a program for driving a device or another suitable program, which has a function of causing a link to an upper-layered online support Web page, which does not depend upon a model of the device nor a problem, out of support Web pages that provide a client with support information to eliminate a problem arising in the device, to be shown in at least one of a setting window that allows a user of the device to specify settings of the device and a display window that displays a working status of the device. The present invention is also directed to any of programs for attaining the steps of the online support method, the functions of the online support system, or the functions of the client discussed above. The present invention is also actualized by a signal form equivalent to any of such programs is recorded.” As further read in paragraph 0061, “The user obtains the E-mail support by causing a predetermined transmission form to be displayed on the screen of the computer PCu at step S18.” Therefore, Yoshino states that the email support information can be attained by a program that drives a device. Since the client device PCu is driven to display various information, it can be interpreted that the PCu is driven by the support information program, which inherently is transmitted from the server to the client device, so as to display the proper support information. Thus Yoshino can be interpreted as responding to a request by transmitting a program of instructions to a client, as currently required in claim 13.

4. Continuing, in response to applicant’s arguments that the PCu is pre-configured to initiate printing of a document, and that Yoshino fails to teach of transmitting a program to initiate the

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printing of a document. The examiner notes that claim, as currently worded, is not stating that the program contains instructions for initiating printing, instructions for detecting an alert condition, and instructions for displaying a selectable a selectable object. The claim particularly recites that the program only “enables” a client to perform these steps. Thus, these functions may be “pre-configured” at a client, just as long as the transmitted program “enables” the client to perform the claimed steps. As discussed above, the transmitted program allows a client to display selectable objects for initiating a performance by the client of a specified function. With this, Yoshino can be interpreted as having a server respond to a request by transmitting a program of instructions to a client, with the program enabling the client to initiate the printing of a document by a printer, detect if the printer encounters an alert condition while printing a document, and if an alert condition is detected, display a selectable object for initiating a performance by the client of a specified function, as currently required in claim 13.

5. Therefore, the rejection of **claim 13**, which was cited in the Office action dated 2/8/06, under 35 U.S.C. 102(e) as being anticipated by Yoshino *et al.* (U.S. Patent Application Number 2001/0042117), is maintained and repeated in this Office action. Additionally, for the same reasons discussed above, the rejection of independent **claim 26**, which was also cited in the Office action dated 2/8/06, under 35 U.S.C. 102(e) as being anticipated by Yoshino *et al.* (U.S. Patent Application Number 2001/0042117), is maintained and repeated in this Office action.

6. In response to applicant’s arguments regarding the rejection of independent **claim 28**, whereby applicant argues on pages 10 and 11 that Yoshino fails to teach of a printer that can serve a program to a client. Currently, **claim 28** requires a printer operable to print a document

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and to serve a program of instructions to a client, and a client operable by a user to request the program from the printer, which enables the client to perform steps of initiating printing, and displaying a hyperlink for initiating a performance of a specified function. As discussed above, the claim is not stating that the program contains instructions for initiating the printing, and instructions for displaying the hyperlink, only that the client is “enabled” to perform those functions when the program of instructions is received by the client. Continuing, as seen in Fig. 1, MIB 20 is part of the printer PRT. As read in paragraph 0028, MIB (management information base) “gives information regarding the working status of the device”. Further in paragraph 0030, Yoshino states that information can further include “browsing record information representing a browsing record of support information”, whereby in a preferable embodiment the user is provided with “a list of support information and asks the user to check the operations which the user has tried in the list and transmit the checked list.” These are instructions, which can be interpreted as being a “program of instructions” as stated in the current claim language. Thus, Yoshino can be interpreted as teaching of a printer operable to print a document and to serve a program of instructions to a client, and a client operable by a user to request the program from the printer, which enables the client to perform steps of initiating printing, and displaying a hyperlink for initiating a performance of a specified function, as required in claim 28.

7. Therefore, the rejection of **claim 28**, which was cited in the Office action dated 2/8/06, under 35 U.S.C. 102(e) as being anticipated by Yoshino *et al.* (U.S. Patent Application Number 2001/0042117), is maintained and repeated in this Office action.

Claim Rejections - 35 USC § 101

8. The rejection of ***claims 13, 16, and 26-28*** under 35 U.S.C. 101, which were cited in the Office action dated 2/8/06, as having non-statutory subject matter, is withdrawn. The examiner notes that because the program is included in an otherwise statutory manufacture or machine in each of the claims, the claims remain statutory, irrespective of the fact that a computer program is included.

Claim Rejections - 35 USC § 102

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. **Claims 13-21, and 26-31** are rejected under 35 U.S.C. 102(e) as being anticipated by Yoshino *et al.* (U.S. Patent Application Number 2001/0042117, cited in the Office action dated 2/8/06).

Regarding ***claim 13***, Yoshino discloses a server, comprising means for receiving a request from a client (paragraph 0010), and means for responding to the request by transmitting a program of instructions to the client (paragraphs 0010 and 0027), the program for enabling the client to initiate the printing of a document by a printer (paragraph 0055), detect if the printer encounters an alert condition while printing a document (paragraph 0027), and if an alert condition is detected, display a selectable object for initiating a performance by the client of a specified function (paragraphs 0031-0032, 0066-0068, 0077, and 0086-087).

Regarding *claim 14*, Yoshino discloses the server discussed above in claim 13, and further teaches that the object is a hyperlink (see Figs. 5-9, paragraphs 0031-0032, 0066-0068, 0077, and 0086-087).

Regarding *claim 15*, Yoshino discloses the server discussed above in claim 14, and further teaches that the function is for assisting a user of the client in resolving the alert condition (see abstract, and paragraphs 0013-0016, 0031, 0066-0068, 0077, and 0086-087).

Regarding *claim 16*, Yoshino discloses the server discussed above in claim 14, and further teaches of means for receiving input, from a system administrator, that defines a hyperlink and associates the hyperlink to a particular type of printer alert condition (see Figs. 5-9, paragraphs 0031-0032, 0066-0068, 0077, and 0086-087), and wherein the program of instructions is further for enabling the client to display the defined hyperlink if the client detects that the printer has encountered the particular type of alert condition (paragraphs 0031-0032, 0066-0068, 0077, and 0086-087).

Regarding *claim 17*, Yoshino discloses the server discussed above in claim 14, and further teaches that the hyperlink refers to a Web page that provides helpful information for resolving the type of error condition detected (see Figs. 5-9, paragraphs 0031-0032, 0066-0068, 0077, and 0086-087).

Regarding *claim 18*, Yoshino discloses the server discussed above in claim 14, and further teaches that the alert condition is a paper jam condition and the hyperlink refers to a Web page that provides information regarding how to clear a paper jam in the printer (see Fig. 7, paragraphs 0078-0080).

Regarding **claim 19**, Yoshino discloses the server discussed above in claim 14, and further teaches that the alert condition is a low consumable condition and the specified function facilitates the purchase of a replacement consumable (see Fig. 5, paragraphs 0067-0068).

Regarding **claim 20**, Yoshino discloses the server discussed above in claim 14, and further teaches that the hyperlink is configured to facilitate communication between the client user and a specific individual (see Figs. 5-9, paragraphs 0031-0032, 0066-0068, 0077, and 0086-087).

Regarding **claim 21**, Yoshino discloses the server discussed above in claim 13, and further teaches that the server is incorporated within the printer (paragraphs 0027-0032, 0055, and 0089-0090).

Regarding **claim 26**, Yoshino discloses a server, comprising apparatus for responding to a pre-defined request received from a client by transmitting a program of instructions to the client (paragraphs 0010 and 0027-0032), the program for enabling the client to detect if the printer encounters an alert condition while printing a document (paragraph 0027), and if an alert condition is detected, display a hyperlink for initiating a performance by the client of a specified function for assisting a user in resolving the alert condition (paragraphs 0031-0032, 0066-0068, 0077, and 0086-087).

Regarding **claim 27**, Yoshino discloses the server discussed above in claim 26, and further teaches that the program further enables the client initiate the printing of the document by the printer (paragraphs 0010, 0027-0032, and 0087-0090).

Regarding **claim 28**, Yoshino discloses a printing system (see Figs. 1-11), comprising a printer operable to print a document (paragraph 0055) and serve a program of instructions to a

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client (paragraphs 0010 and 0027-0032), a client operable by a user to request the program from the printer (paragraphs 0010 and 0027-0032), the program enabling the client to initiate the printing of a document using the printer (paragraph 0055), if the printer encounters an error condition while printing the document (paragraph 0027), display a hyperlink (see Figs. 5-9) for initiating a performance by the client of a specified function to assist the client user in resolving the alert condition (paragraphs 0031-0032, 0066-0068, 0077, and 0086-087).

Regarding *claim 29*, Yoshino discloses the printing system discussed above in claim 28, and further teaches that the client is a personal digital assistance (PDA) (paragraphs 0099-0104).

Regarding *claim 30*, Yoshino discloses the printing system discussed above in claim 28, and further teaches that the client is a personal computer (paragraphs 0054-0058).

Regarding *claim 31*, Yoshino discloses the printing system discussed above in claim 28, and further teaches that the hyperlink refers to a Web page that provides helpful information for resolving the specific type of error condition encountered by the printer (see Figs. 5-9, paragraphs 0031-0032, 0066-0068, 0077, and 0086-087).

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (571) 272-7410. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joseph R. Pokrzywa
Primary Examiner
Art Unit 2625

jrp



JOSEPH R. POKRZYWA
PRIMARY EXAMINER